

ROUTINE

UNCLASSIFIED  
CONFIDENTIAL

INCOMING

L45

ETC

EAP/L CARDS CENTER

RELEASED IN FULL

PAGE 01 USUN N 04514 212244Z 042113 S015983  
INFO: LAF (01) LFOE (01) LUNA (01) LFOA (01) LEUR (01)  
----- 22/1305Z A3 DMT (TOTAL COPIES: 005)  
ACTION AF-00

INFO	LDG-00	AID-00	CA-02	CIAE-00	SMEC-00	OASY-00	ODDE-00
	DDEE-00	DS-00	EAP-00	EUR-00	FDRE-01	H-01	IMMC-01
	TEDE-00	INR-00	IO-16	L-00	ADS-00	MFLO-03	M-00
	NSAE-00	NSCE-00	OC5-06	OIC-02	OMB-01	PA-01	PM-00
	PRS-01	P-01	SCT-03	SNP-00	SP-00	SSO-00	SS-00
	TRSE-00	T-00	USIE-00	FMP-00	PMB-00	DSCC-00	DRL-09
	G-00	/053W					

-----7FFC74 220223Z /38

R 212227Z OCT 94  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC 0007  
INFO AMEMBASSY LONDON  
AMEMBASSY WELLINGTON  
AMEMBASSY TOKYO

C O N F I D E N T I A L USUN NEW YORK 004514

WASH PASS L/UNA

E.O. 12356: DECL: OADR  
TAGS: PREL, UN, JA, NZ, UK  
SUBJECT: RWANDA WAR CRIMES TRIBUNAL - JAPANESE VIEWS

1. CONFIDENTIAL - ENTIRE TEXT.
2. JAPANESE MISSION HAS SENT US, NZ, UK AND FRENCH MISSION A "NON-PAPER" DETAILING JAPANESE CONCERNS RE  
SUBJECT TRIBUNAL. COPY FAXED MATHESDN 01.
3. JAPANESE ARE CONCERNED: (A) AT USE OF SC TO ESTABLISH SUCH TRIBUNALS AND EVEN MORE CONCERNED THAT IT NOT BECOME A HABIT SINCE THERE ARE PLENTY OF OTHER SITUATIONS IN THE WORLD TO WHICH IT COULD BE APLIED; (B) WHAT ABOUT "NULLA PDENA"? (C) ISN'T ARTICLE 6 - "PLANNED, INSTIGATED, ORDERED, AIDED, AND ABETTED" TOO VAGUE? (D) SHOULDN'T RULES OF PROCEDURE BE SPECIFIED IN STATUTE? (E) IS ARTICLE 8 (2) GIVING COURT PRIMACY OVER ALL NATIONAL COURTS MORE THAN IS NECESSARY?
4. USUN LEGAL ADVISER SAID (A) WE WERE AWARE SOME STATES WERE CONCERNED THAT PRACTICE COULD BE OVERDONE. WE DID NOT THINK JAPAN NEED BE CONCERNED AT EXCESSIVE PROLIFERATION; (B) ALL THE ACTS WERE CRIMES UNDER INTERNATIONAL LAW AND FOR THAT MATTER RWANDAN LAW AND WERE PUNISHABLE BY SEVERE PENALTIES SO SC WAS NOT MAKING NEW LAW; (C) ARTICLE 6 WAS BASED INTER ALIA ON POST WORLD WAR II PRECEDENTS; (D) STATUTE'S REFERENCE TO RULES OF YUGOSLAV COURT MADE RWANDAN STATUTE MORE DETAILED THAN THAT OF YUGOSLAV TRIBUNAL ON THIS POINT; (E) WE BELIEVE ARTICLE 8 (2) IS A NECESSARY CONSEQUENCE OF ANY SUCH TRIBUNAL.
5. NZ MISSION RESPONDED ALONG SIMILAR IF SLIGHTLY HARSHER LINES TO JAPANESE MISSION AND UKUN DOES NOT PLAN TO BOTHER RESPONDING SINCE WE AND NZ HAVE MADE THE POINTS THEY WOULD HAVE MADE. ALBRIGHT